



## **CITY OF HAYWARD AGENDA REPORT**

Meeting Date 6/27/02  
Agenda Item 1

**TO:** Planning Commission

**FROM:** Carl T. Emura, Associate Planner

**SUBJECT:** Referral by the Planning Director: PL-2002-0276 AUP- James Holland for NSA Wireless (Applicant) /Joseph & Rita Azzolino (Owner) /PG&E (Lessee): To Allow an AT&T Wireless Facility on an Existing PG&E Tower

The Property is Located on the PG&E Right-Of-Way Between Portsmouth Avenue and Industrial Boulevard in the Single Family Residential (RS) District

### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15301, Class 1, Existing Facilities; and
2. Approve the Administrative Use Permit, subject to the attached findings and conditions of approval.

### **DISCUSSION:**

The applicant is requesting to locate an AT&T Wireless telecommunication facility on an existing PG&E lattice tower. The project is located on the PG&E right-of-way between Portsmouth Avenue and Industrial Boulevard. The project site is surrounded by single-family dwellings to the north and south and industrial buildings across Industrial Boulevard to the west.

The proposed wireless telecommunication facility will consist of a maximum of 3 panel antennas placed on the lattice tower legs 50 feet above finish grade. The panel antennas measure approximately 5 feet tall by 1 foot wide and 7 inches deep. Wireless support equipment will be located in a 17 foot x 28 foot lease area that is located directly underneath the lattice tower and screened by a 6 foot high wood fence similar to the fences already existing in the area. The proposed antennas will be painted to match the existing tower to enhance integration with the existing structure. The radio frequency (RF) level is well below the Maximum Permissible Exposure (MPE) limit established by the Federal Communication Commission (FCC). The size of the antennas, their height and their location on an existing utility structure will minimize any visual impact it will

have on the surrounding area and they will not have a negative impact on the neighborhood.

Several residents in proximity to the project requested that the project not be allowed. The project site is being used by the property owner for outdoor storage of construction material and debris which is not an allowed use in the single family residential district. The residents contend that the use has a negative impact on the neighborhood and that the antennas will further contribute to this negative impact. They would like the use discontinued and the property cleaned up and maintained instead. A condition of approval requires clean up of the property prior to permit issuance.

Community Preservation has cited the property owner for violations of Hayward Municipal Code over the past year. The case has been referred to the City Attorney's office to seek an abatement warrant that would allow the City to clean up the property at the owner's expense.

In a similar situation, the City Council, on December 12, 2000, upheld an appeal of the Planning Commission decision approving the installation of panel antennas to a PG&E transmission tower near 1620 Highland Boulevard. The appellant claimed that the antennas would create an eyesore, block views, create a nuisance and crime, and increase traffic and the risk of fire. While the Commission agreed (7:0) that the existing tower is not attractive, they indicated that the additional antennas would not add to its unsightliness nor create any of the other nuisances claimed by the appellant.

#### **ENVIRONMENTAL REVIEW:**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Existing Facilities.

#### **PUBLIC NOTICE:**

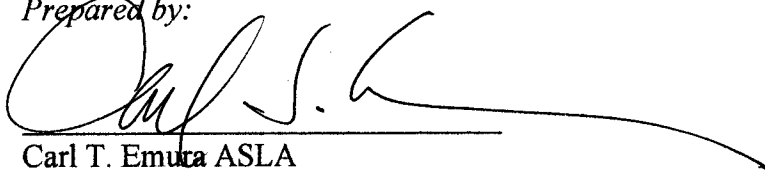
On May 7, 2002, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records and the Glen Eden Neighborhood Task Force members. The Referral Notice provided an opportunity for persons to comment on the project. There were five responses to the public notice, four of which opposed the proposal and one requested additional information. On June 17, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed.

#### **CONCLUSION:**

Mounting the antennas on the existing PG&E tower will not have a negative impact on the neighborhood. The concerns the residents raise pertain to the use of and the lack of maintenance of the property, which the City is pursuing with the property owner. However, the property must be cleaned up before permit issuance. Therefore, staff

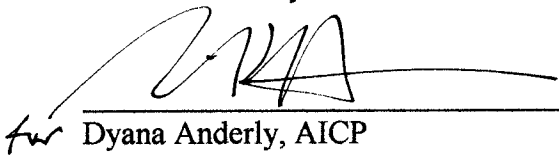
recommends that the project be approved, subject to the findings and conditions of approval.

*Prepared by:*

A handwritten signature in black ink, appearing to read 'Carl T. Emura', written over a horizontal line.

Carl T. Emura ASLA  
Associate Planner

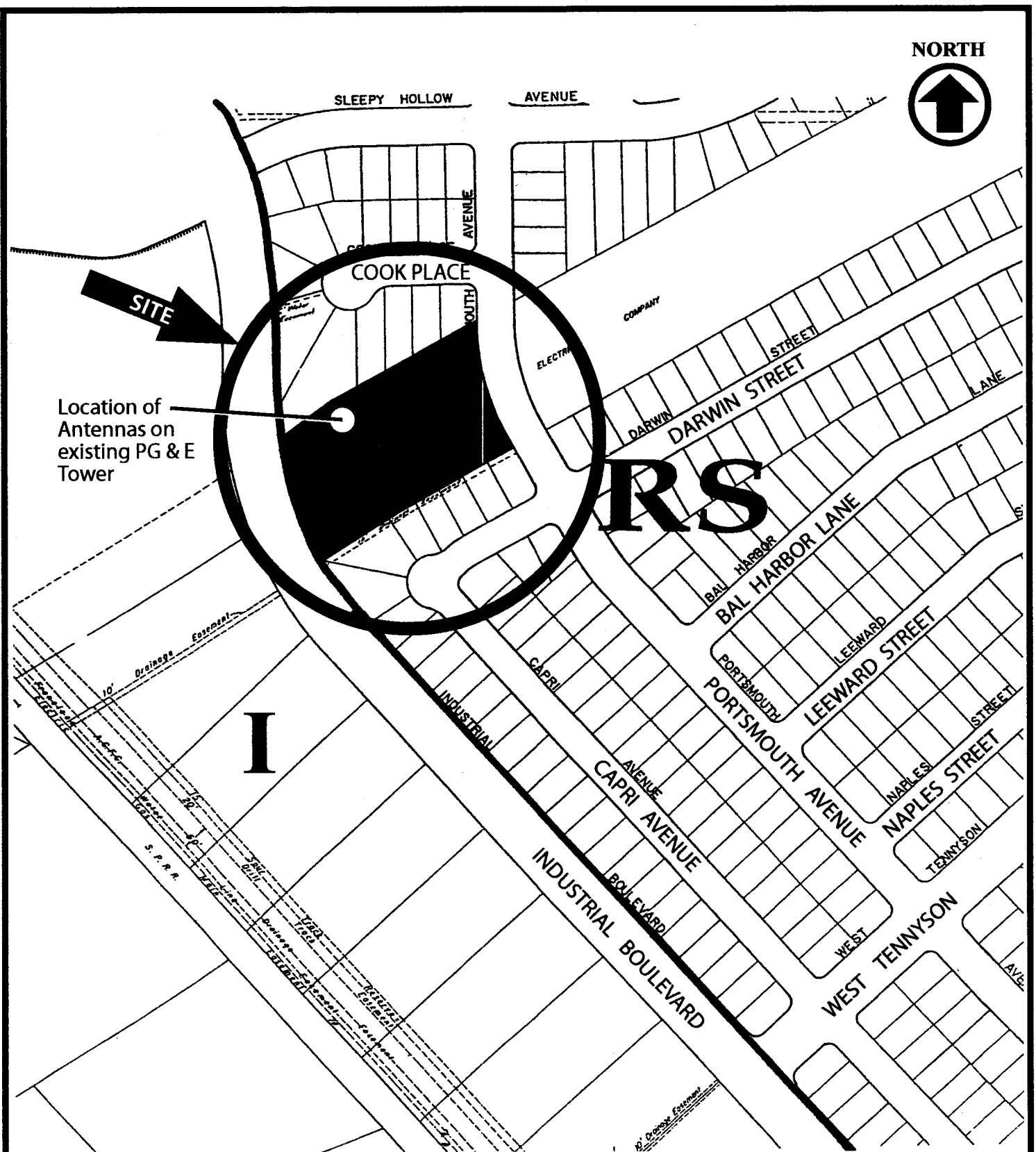
*Recommended by:*

A handwritten signature in black ink, appearing to read 'Dyana Anderly', written over a horizontal line. To the left of the signature is the handwritten word 'for'.

Dyana Anderly, AICP  
Planning Manager

**Attachments:**

- A. Area Map
- B. Photo Simulations
- C. Findings and Conditions of Approval  
Plan



## Area & Zoning Map

PL-2002-0276 AUP

Address: PG & E right of way, between Portsmouth & Industrial Blvd.

Applicant: James Holand

Owner: J & R Azzolino/PG & E

I-Industrial

RS-Single-Family Residential,RSB4,RSB6

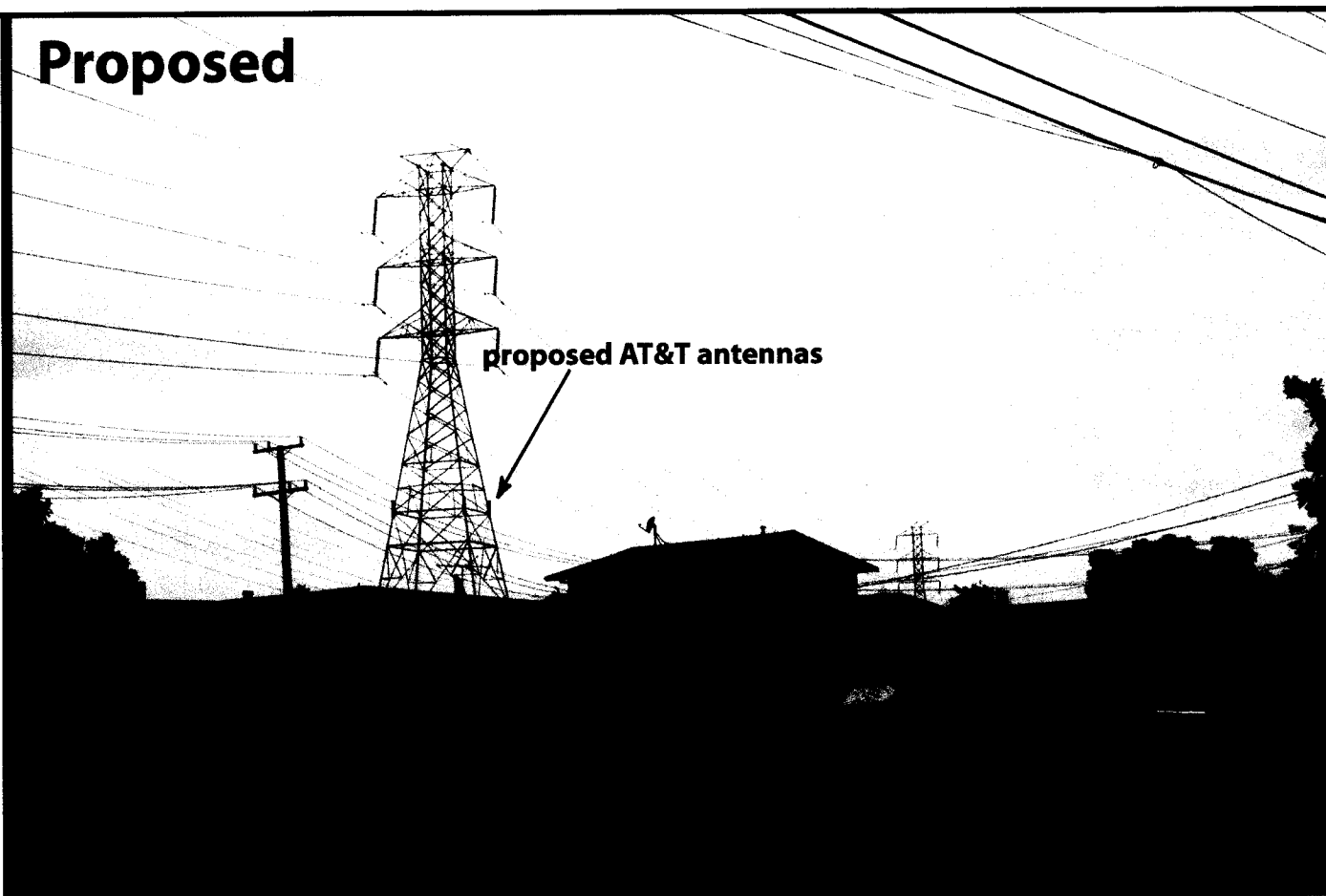
**Existing**



**AT&T Wireless 6030A01 Industrial/Sleepy Hollow**

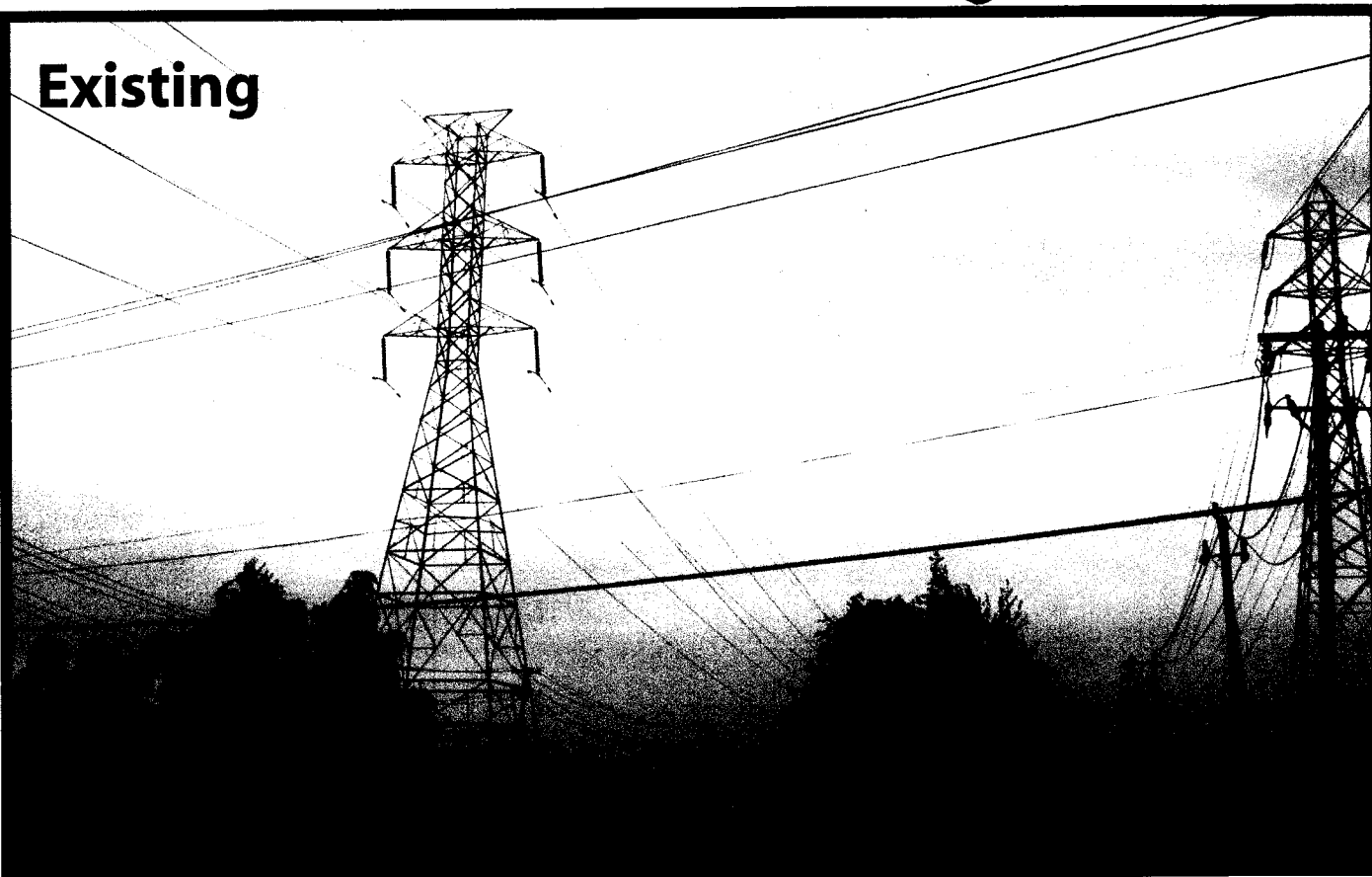
PG&E Tower Industrial Blvd  
Hayward, CA

**Proposed**



Photosimulation of view looking south from Portsmouth Ave.

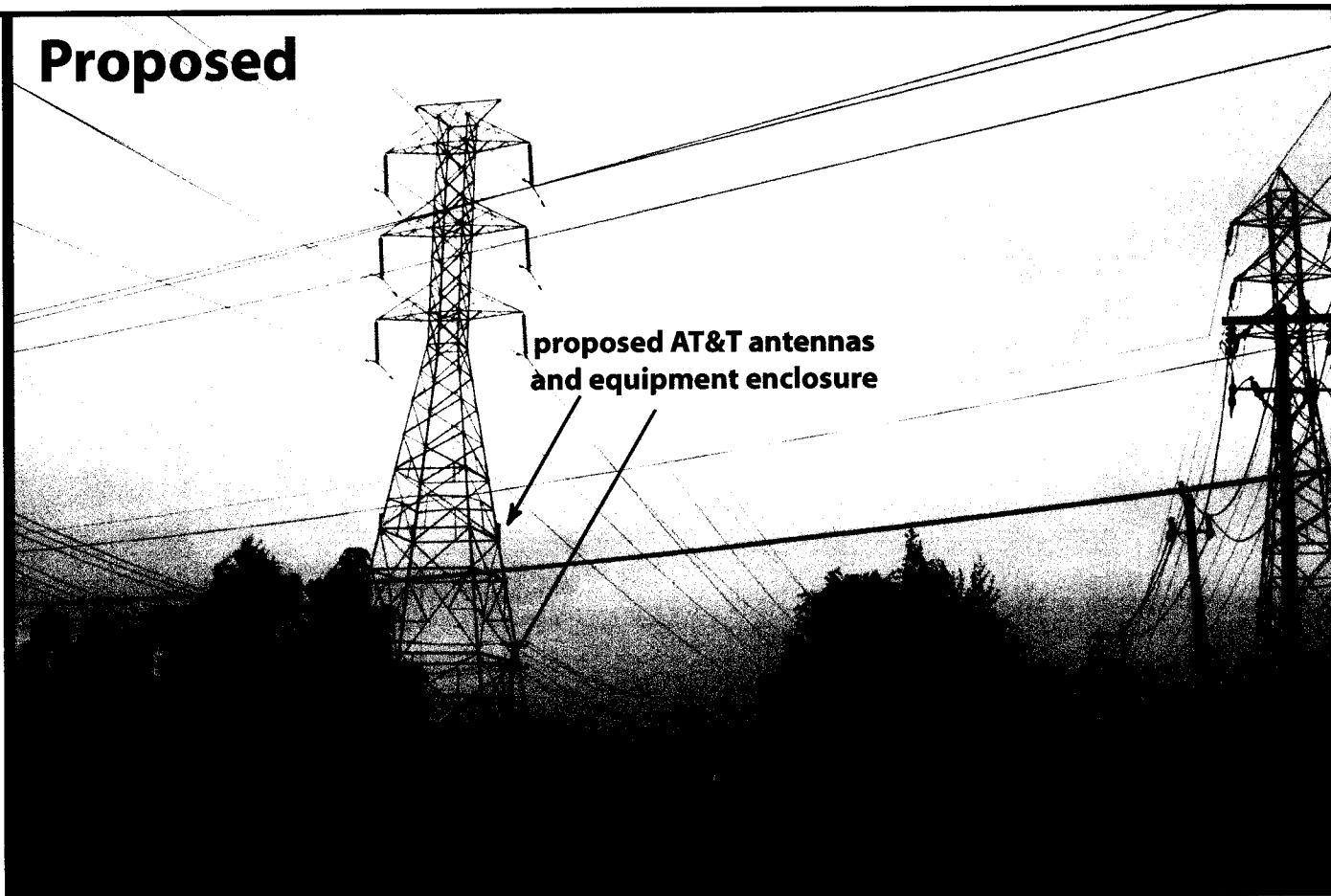
**Existing**



**AT&T Wireless 6030A01 Industrial/Sleepy Hollow**

PG&E Tower Industrial Blvd  
Hayward, CA

**Proposed**



proposed AT&T antennas  
and equipment enclosure

Photosimulation of view looking northeast from Industrial Blvd.

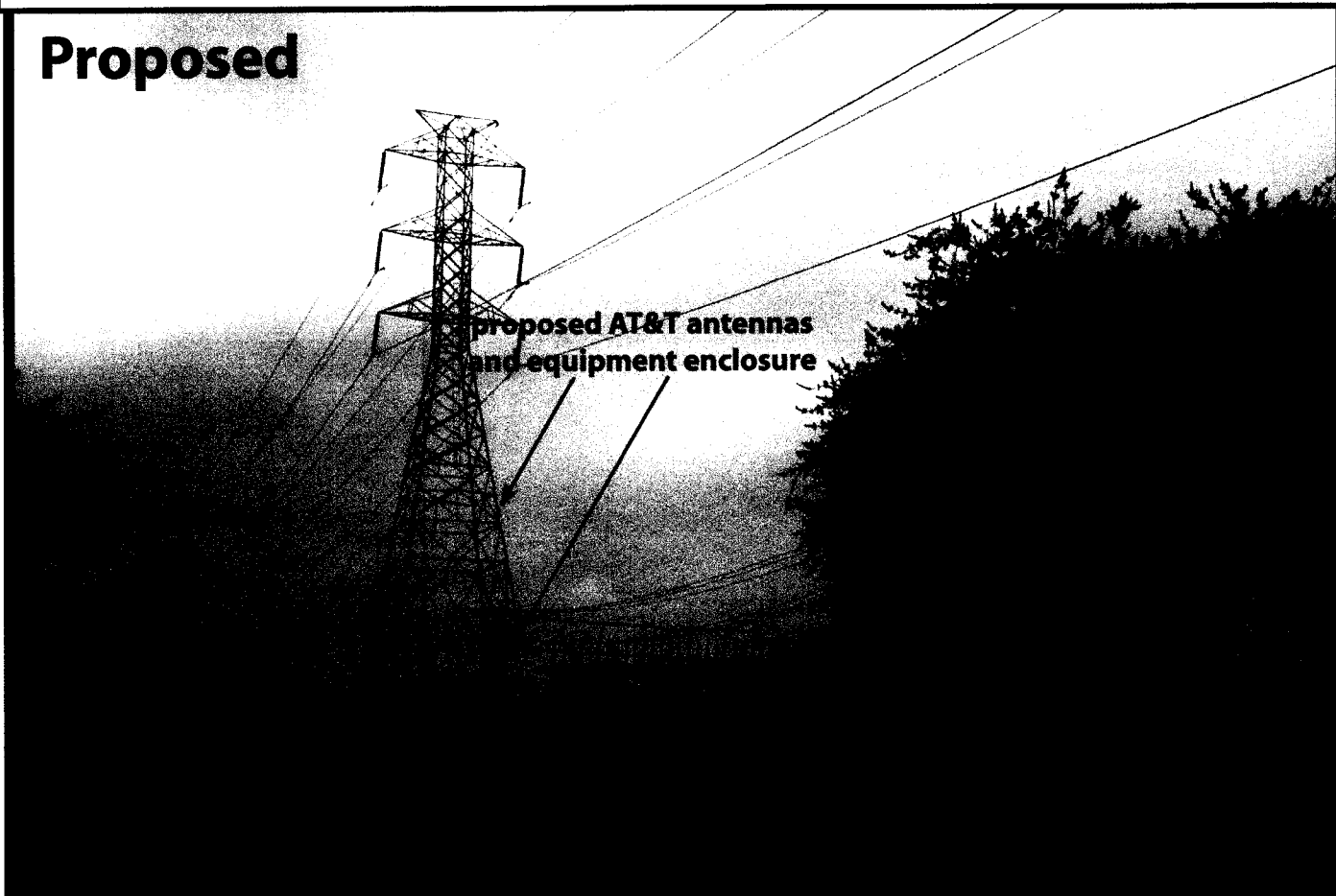
**Existing**



**AT&T Wireless 6030A01 Industrial/Sleepy Hollow**

PG&E Tower Industrial Blvd  
Hayward, CA

**Proposed**



proposed AT&T antennas  
and equipment enclosure

Photosimulation of view looking southwest from Portsmouth Ave.

## **FINDINGS FOR APPROVAL**

### **Administrative Use Permit No. 2002-0276**

James Holland for NSA Wireless (Applicant)

Joseph and Rita Azzolino (Property Owner)/ PG&E (Lessee)

PG&E R.O.W. (between Portsmouth & Industrial Boulevard)

Request to install 3 antennas on an existing PG&E tower with equipment cabinets located at grade level on a concrete pad. Cabinet will be enclosed with a 6' high fence.

- A. Approval of PL 2002-0276 AUP, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review under Section 15301 Existing Facilities Class 1.
- B. The proposed telecommunications facility will not impair the character and integrity of the single-family residential district as it is somewhat camouflaged by the existing PG&E tower. Furthermore, the number of telecommunications facilities in the area can be limited by ordinance (Article 13 of Chapter 10 of the Hayward Municipal Code), which spaces such towers out for visual purposes.
- C. The proposed antenna facility will not be detrimental to the public health, safety or general welfare in that the telecommunications antennas will be conditionally approved to properly regulate the operating procedures and activities associated with the use and the owner will be required to remove debris prior to issuance of any permits.
- D. The proposed use is permitted subject to an administrative use permit approval and that the use as proposed is consistent with the General Plan and applicable City regulations adopted under the City of Hayward Municipal Code (Article 13 of Chapter 10/Antenna and Telecommunications Facilities Ordinance).
- E. The proposed stealth telecommunication facility is desirable for the public convenience or welfare in that adequate cellular phone transmission coverage will be provided filling-in a gap in transmission coverage;



## **CONDITIONS OF APPROVAL**

### **Administrative Use Permit No. 2002-0276**

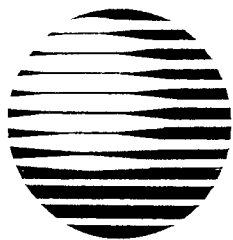
James Holland for NSA Wireless (Applicant)

Joseph and Rita Azzolino (Property Owner)/ PG&E (Lessee)

PG&E R.O.W. (between Portsmouth & Industrial Boulevard)

1. The wireless facility shall operate according to these conditions of approval and the plans labeled Exhibit "A". This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.
2. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
3. Applicant shall apply for all necessary building permits from the Building Division. All structures and antenna improvements shall be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
4. All facility equipment other than antennas shall be contained entirely within the equipment cabinets. No storage of materials, equipment or supplies shall be permitted outside of the cabinets.
5. The equipment cabinet, to be located along the base of the PG& E tower, shall be painted a flat, light gray or other color approved by the Planning Director.
6. Prior to issuance of any permit, all construction material and debris shall be removed from the site and the grasses cut to 4" in height.
7. Unless a new permit is issued within 180 days thereafter, all improvements installed including their foundation shall be removed from the property and the site restored to its natural pre-construction state within 180 days of permit expiration, revocation or abandonment.
8. The applicant shall provide notification to the Planning Director upon cessation of operations, or expiration of its permit, subject to the determination of Planning Director that the use of the site has ceased for a period of six months. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
9. Any future replacement or reinstallation of structures or equipment at this telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.

10. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
11. The PG&E tower shall provide sufficient anti-climbing and security measures into the facility as needed to reduce potential for unauthorized access, vandalism, or injury. The Planning Director shall approve the design of any fencing and/or security system prior to issuance of a building permit.
12. The applicant shall provide signage on the equipment shelter, including phone numbers of emergency contact persons, in case of an emergency for the facility. The sign shall not exceed 6 square feet in area.
13. The applicant shall be responsible for graffiti-free maintenance of the telecommunications facilities, and shall remove any graffiti within seven days of occurrence.
14. The area in and surrounding the 6' fence shall be maintained. Weeds shall be removed prior to the installation of the wireless facility. The property on which the transmission tower is located shall be maintained on a monthly basis by the telecommunication carrier and the property owner.
15. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



# AT&T

## AT&T WIRELESS SERVICES, L.L.C.

SITE NUMBER: 960006030A

SITE NAME: INDUSTRIAL / SLEEPY HOLLOW

TOWER NUMBER: 36/157

NOTE: THIS IS NOT AN APPROVED PLAN UNLESS IT BEARS BOTH AN ENGINEER'S AND A SURVEYOR'S SEAL. THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT BOTH APPROVAL STAMPS. DO NOT USE THIS PLAN FOR CONSTRUCTION WITHOUT BOTH APPROVAL STAMPS.

REV.	DIRECTIONS	PROJECT INFORMATION																					
0	TAKE US 101 SOUTH, TAKE CA 92 EAST, EXIT INDUSTRIAL BLVD, TURN RIGHT ON INDUSTRIAL.	SCOPE OF WORK: AN UNMANNED TELECOMMUNICATIONS FACILITY AT AN EXISTING PG&E LATTICE TOWER																					
0	VICINITY MAP	SITE ADDRESS: INDUSTRIAL BLVD. HAYWARD, CA 94545																					
0		PROPERTY OWNER: JOSEPH & RITA AZZOLINO 178 LISBON STREET SAN FRANCISCO, CA																					
0		TOWER OWNER: PG&E 77 BEALE STREET, ROOM 1302 SAN FRANCISCO, CA 94105 JOHN ELBEN (916) 717-4301																					
0		CONTACT PERSON: NIKKI HERMAN (415) 224-1364																					
0		APPLICANT: AT&T WIRELESS SERVICES, LLC 2840 HOWE RD. SUITE E MARTINEZ, CA 94554																					
0		LATITUDE: 37°37'48" LONGITUDE: 122°6'26.6" LAT/LONG TYPE: NAD 83 ELEVATION: 22.32' NAVD 88 JURISDICTION: HAYWARD A.P.N.: 456-66-1-1 CURRENT USE: PG&E LATTICE TOWER PROPOSED USE: PG&E LATTICE TOWER WITH TELECOMMUNICATIONS FACILITY																					
		<p><b>RECEIVED</b></p> <p>APR 30 2002</p> <p>PLANNING DIVISION</p> <p><i>PL2002-0276 AUP</i></p>																					
		<p><b>SITE QUALIFICATION PARTICIPANTS</b></p> <table border="1"> <thead> <tr> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>A/E MIKE FLEMING</td> <td>WESTERN PLANNING &amp; ENGINEERING</td> <td>(916) 823-6917</td> </tr> <tr> <td>SAC JAMES HOLLAND</td> <td>NSA WIRELESS</td> <td>(925) 519-0002</td> </tr> <tr> <td>RF DANISH BANGA</td> <td>WFI</td> <td>(925) 957-8991</td> </tr> <tr> <td>CON ALLAN SILLETT</td> <td>BECHTEL</td> <td>(925) 957-8887</td> </tr> <tr> <td>LANDLORD JOSEPH &amp; RITA AZZOLINO</td> <td>N/A</td> <td>(415) 334-7586</td> </tr> <tr> <td>OTHER XXX</td> <td>XXX</td> <td>XXX</td> </tr> </tbody> </table>	NAME	COMPANY	NUMBER	A/E MIKE FLEMING	WESTERN PLANNING & ENGINEERING	(916) 823-6917	SAC JAMES HOLLAND	NSA WIRELESS	(925) 519-0002	RF DANISH BANGA	WFI	(925) 957-8991	CON ALLAN SILLETT	BECHTEL	(925) 957-8887	LANDLORD JOSEPH & RITA AZZOLINO	N/A	(415) 334-7586	OTHER XXX	XXX	XXX
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<p>INDUSTRIAL / SLEEPY HOLLOW SITE NO. 960006030A INDUSTRIAL BLVD. HAYWARD, CA 94545</p>		<p>WESTERN PLANNING &amp; ENGINEERING AUBURN, CA</p> <p>TITLE SHEET</p> <p>SITE NUMBER: 960006030A SHEET NUMBER: 1</p>																					



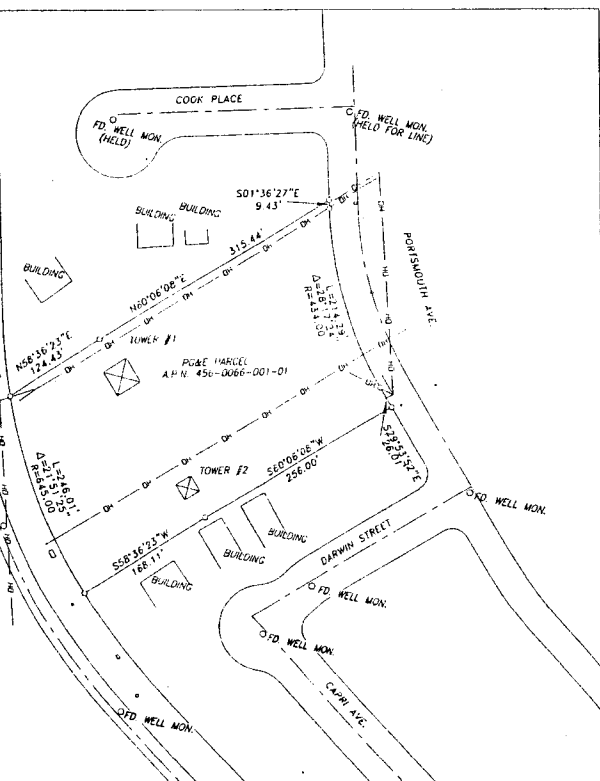
# AT&T

AT&T WIRELESS SERVICES INC.  
851 GATEWAY BLVD., SUITE 1500  
HAYWARD, CA 94545

NO.	DATE	REVISIONS	BY	CHK	APP'D
0	4/26/02	ISSUED FOR ZONING	BOH	MEF	

TE NUMBER: 960006030A  
SITE NAME: INDUSTRIAL / SLEEPY HOLLOW





OVERALL SITE PLAN

1"=80'

# SURVEY NOTES

1. ALL LATITUDES AND LONGITUDES ARE NAD 83. ALL ELEVATIONS ARE NAVD83.
2. ALL BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM RECORD DATA.
3. DATE OF FIELD SURVEY: MARCH 14, 2002.
4. NO TITLE REPORT HAS BEEN PROVIDED, ANY EASEMENTS OR OTHER BOUNDARY RELATED ISSUES WHICH ARE PART OF THE TITLE PROCESS MAY OR MAY NOT HAVE BEEN ADDRESSED. INITIAL POINT, INC. AND TIMOTHY F. SCHAD, L.S. ACCEPT NO RESPONSIBILITY OR LIABILITY FOR BOUNDARY OR TITLE ITEMS ADDRESSED HEREON.

PROPERTY SITUATE IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

S CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 2 IN DEED RECORDED AS DOCUMENT NUMBER W3 350654 COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

START NORTHERLY CORNER OF SAID PARCEL 2, THENCE ALONG THE NORTHERLY PROPERTY LINE OF SAID PARCEL SOUTH 80° 00' 00" WEST, 315.44 FEET TO A POINT, THENCE LEAVING SAID PROPERTY LINE SOUTH 55° 37' 31" EAST, 37.99 FEET TO THE NORTHEAST CORNER OF THE LEASE PARCEL DESCRIBED HEREIN, THENCE ALONG THE AFOREMENTIONED LEASE PARCEL SOUTH 30° 47' 10" EAST, 15.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

ST. 31.81 FEET;  
ST. 31.81 FEET;  
ST. 31.85 FEET;  
ST. 31.64 FEET

BEGINNING.

OF LAND, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

START NORTHERLY CORNER OF SAID PARCEL 2 REFERENCED ABOVE, THENCE ALONG THE NORTHERLY PARCEL SOUTH 80° 00' 00" WEST, 315.44 FEET TO A POINT, THENCE LEAVING SAID PROPERTY LINE SOUTH 55° 37' 31" EAST, 37.99 FEET TO THE NORTHEAST CORNER OF THE LEASE PARCEL DESCRIBED HEREIN, THENCE ALONG THE AFOREMENTIONED LEASE PARCEL SOUTH 30° 47' 10" EAST, 15.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

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INDUSTRIAL/SLEEPY HOLLOW  
SITE NUMBER 960006030A01  
INDUSTRIAL BLVD. NORTH OF TENNYSON  
HAYWARD, CA. 94545

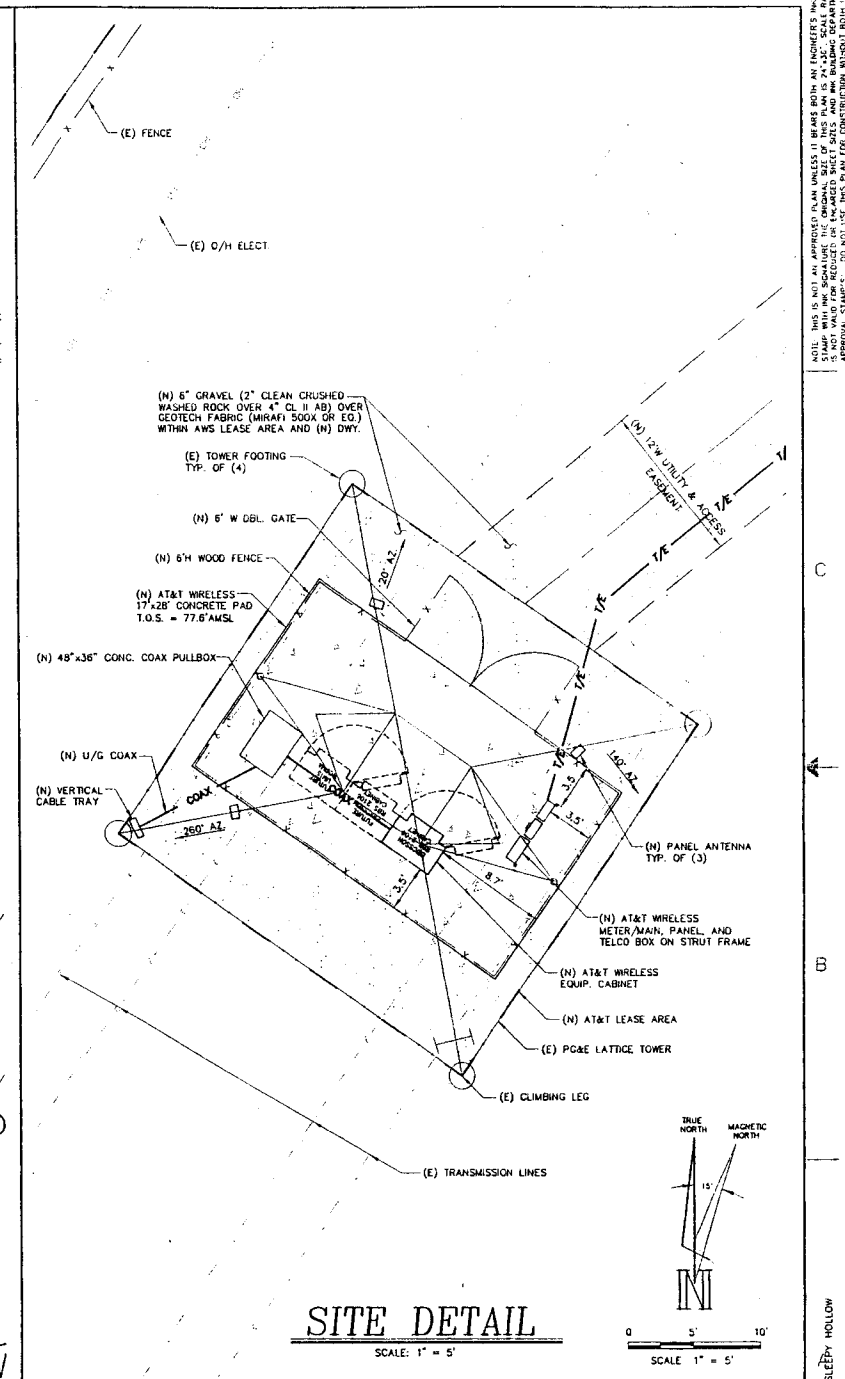
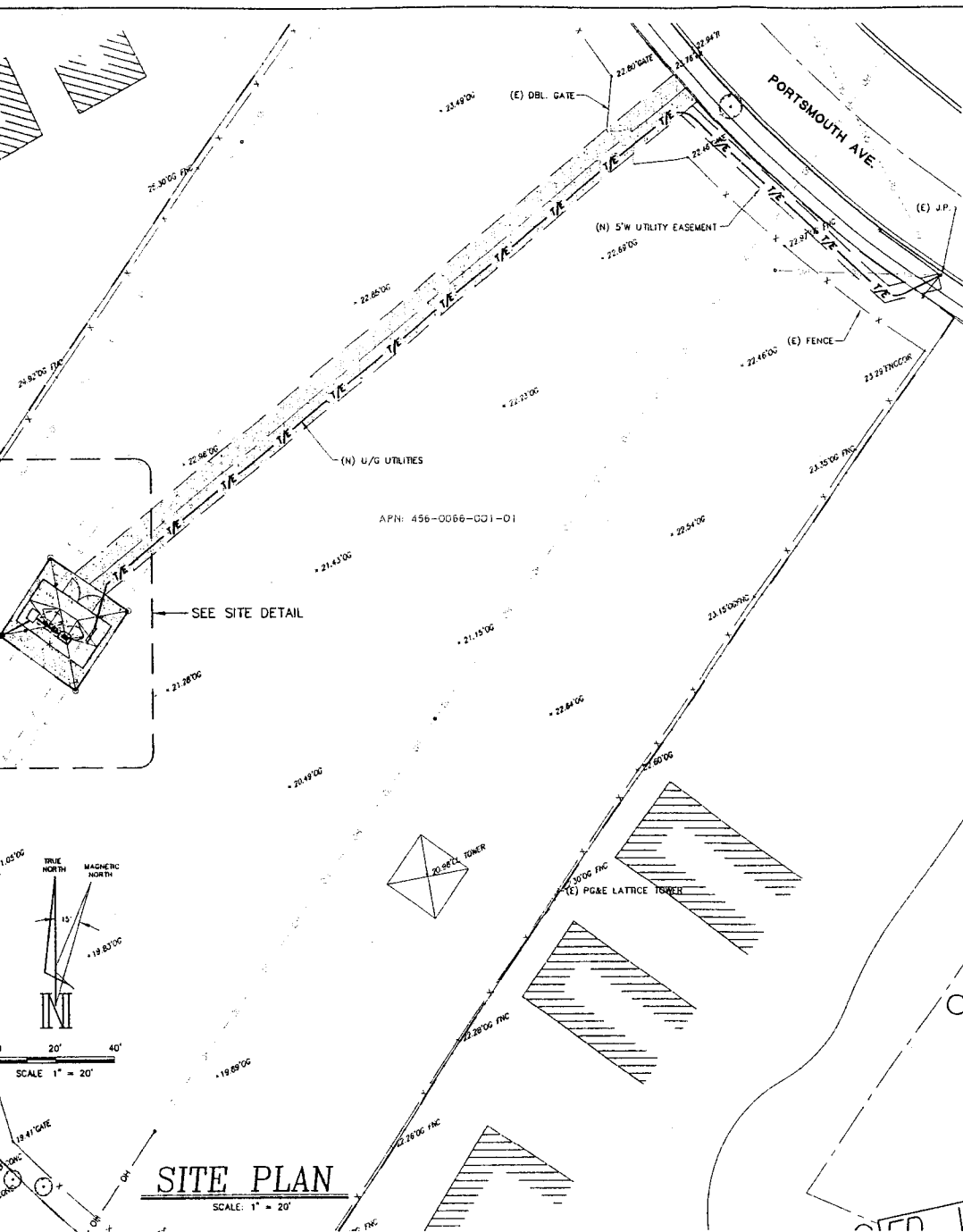


NO.	DATE	REVISIONS	BY	CHK	APP'D
1	4/26/02	ISSUED FOR ZONING			
SCALE	AS SHOWN	DESIGNED			



SITE TOPOGRAPHY SURVEY SHEET	
SITE NUMBER 960006030A01	SHEET NUMBER 23

SITE NAME: INDUSTRIAL/SLEEPY HOLLOW



THIS IS NOT A CONTRACT. FOR CONTRACT, SEE THE AT&T WIRELESS SERVICES, INC. STANDARD CONTRACT. THIS PLAN IS NOT VALID FOR CONSTRUCTION WITHOUT APPROVAL. APPROVAL STAMPS: DO NOT LIE THIS PLAN FOR CONSTRUCTION WITHOUT APPROVAL.

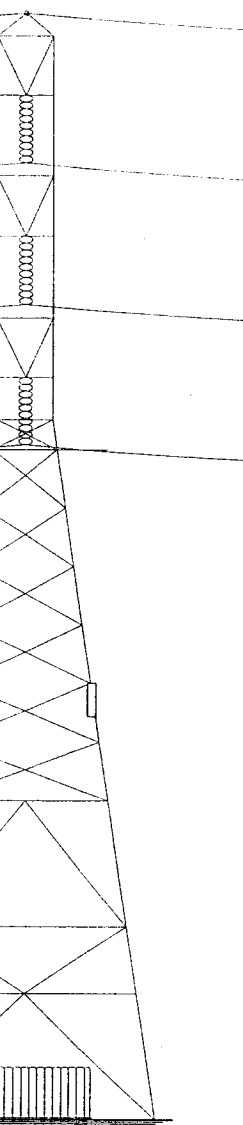
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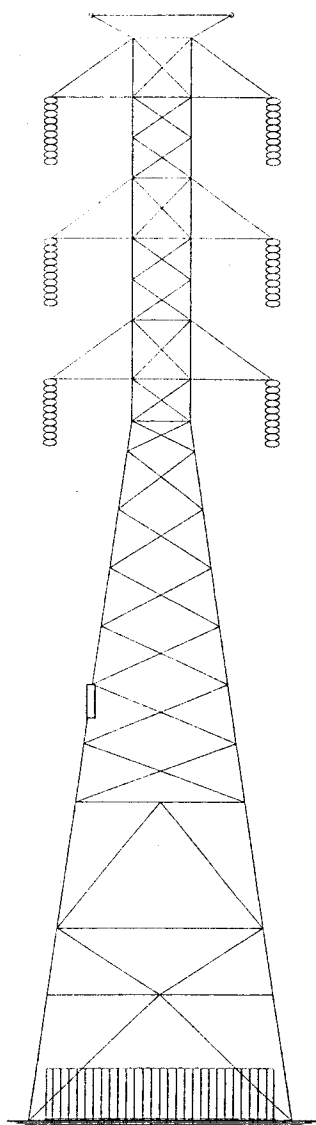


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SCALE	AS SHOWN	DESIGNED	DRAWN		

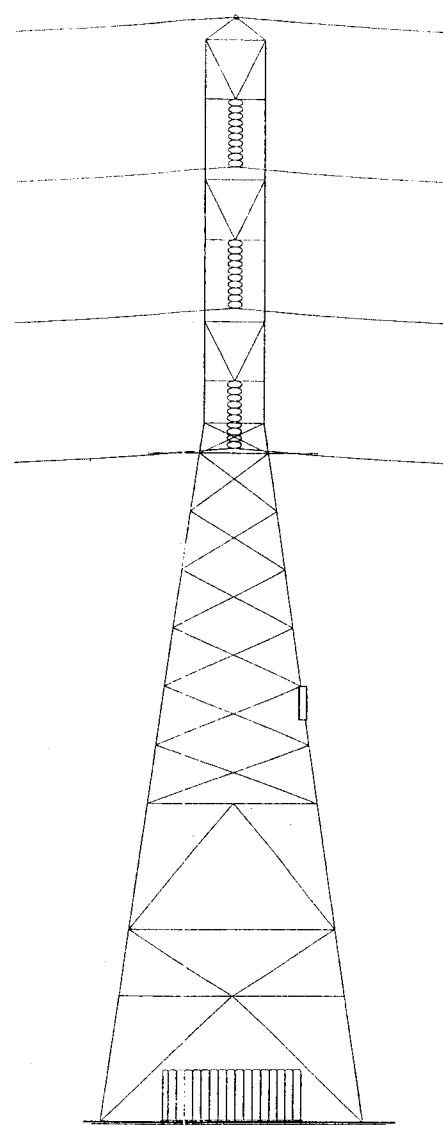
WESTERN PLANNING & ENGINEERING AUBURN, CA	
SITE PLAN, SITE DETAIL	
SITE NUMBER	SHEET NUMBER
960006030A	Z4



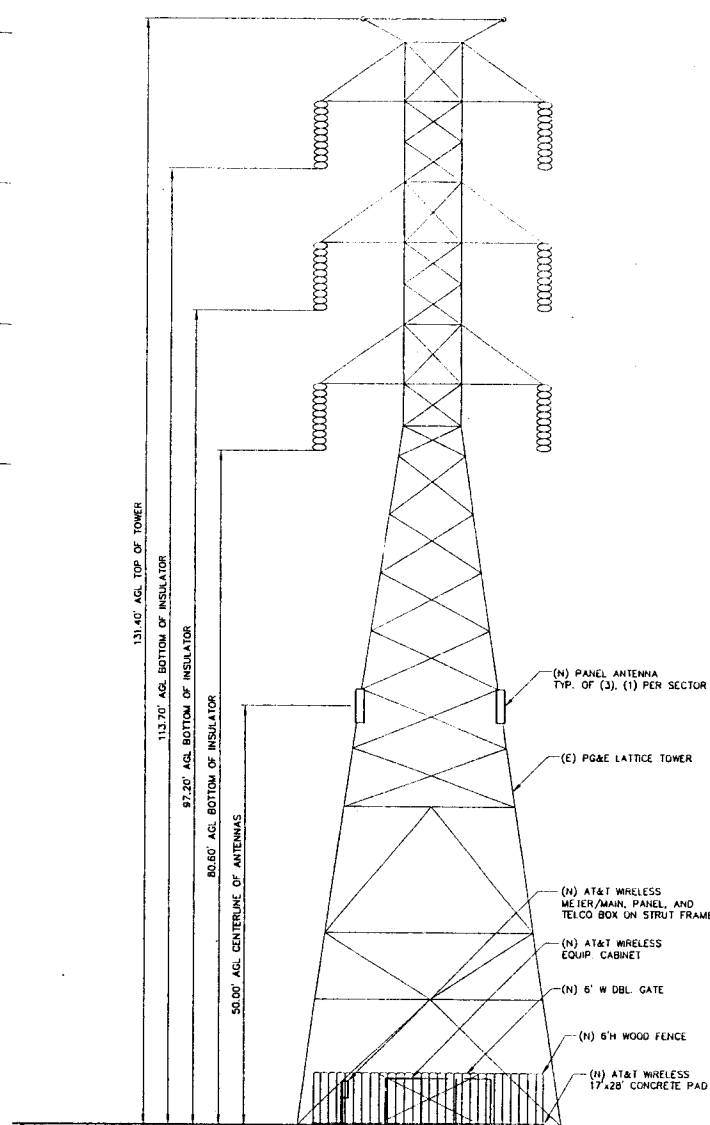
VATION 4



SOUTHWEST ELEVATION 3



SOUTHEAST ELEVATION 2



NORTHEAST ELEVATION 1

0 8' 16'  
SCALE 1" = 8'



5518

INDUSTRIAL / SLEEPY HOLLOW  
SITE NO. 960006030A  
INDUSTRIAL BLVD.  
HAYWARD, CA 94545



AT&T  
AT&T WIRELESS SERVICES, INC.  
651 GATEWAY BLVD., SUITE 1250  
SOUTH SAN FRANCISCO, CA 94080

Q	4/26/02	ISSUED FOR ZONING	BOH	MEF
NO.	DATE	REVISIONS	BY	CHK APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN	

WESTERN PLANNING & ENGINEERING  
AUBURN, CA

ELEVATIONS

SITE NUMBER  
960006030A

SHEET NUMBER  
25

SITE NUMBER: 960006030A  
SITE NAME: INDUSTRIAL / SLEEPY HOLLOW

C

B

NOTES: THIS IS A PRELIMINARY ELEVATION. IT BEARS NO WEIGHT. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.